



**CITY OF COLUMBUS  
BOARD OF ZONING APPEALS  
(June 23, 2015 Meeting)**

**STAFF REPORT**

**Docket No. / Project Title:** C/UV-15-03 (M & D Marketing)  
**Staff:** Emilie Pinkston  
  
**Applicant:** M+D Marketing  
**Property Size:** 4.36 Acres  
**Current Zoning:** CC (Commercial: Community Center)  
**Location:** 1503 Cottage Avenue, Suite E, in the City of Columbus

**Background Summary:**

The applicant has indicated that the proposed use variance from Zoning Ordinance Section 3.20(A) is for the purpose of allowing a food and beverage production facility in the CC (Commercial: Community Center) zoning district.

**Preliminary Staff Recommendation:**

Approval; All criteria have been met.

**Zoning Ordinance Considerations:**

**District Intent:** The intent of the CC (Commercial: Community Center) zoning district is as follows: This district is intended to establish appropriate locations for a variety of businesses providing a variety of goods and services to (1) community-wide consumers and (2) those who travel through or visit the area. This zoning district is not intended for use along traffic corridors, but should instead be applied at significant intersections along major transportation routes. This zoning district should be applied only to areas with adequate infrastructure and road access to accommodate moderately high traffic volumes.

**Permitted Uses:** The following uses are permitted in the CC zoning district:

1. Communications / Utility Uses
  - Communication service exchange
  - Utility Substation
  - Water Tower
2. Public / Semi-Public Uses
  - Clinic
  - Community center
  - Day-care center (adult or child)
  - Funeral home
  - Government office
  - Police, fire, or rescue station
  - Post office
  - Trade or business school
  - Worship facility

3. Park Uses
  - Nature preserve / conservation area
  - Park / playground
4. Commercial Uses
  - Auto-oriented uses (small, medium and large scale)
  - Auto rental (includes truck, RV, etc.)
  - Builder's supply store
  - Equipment rental
  - Health spa
  - Hotel / motel
  - Instructional center
  - Liquor store
  - Office uses
  - Personal service uses
  - Recreation uses (small and medium)
  - Restaurant
  - Retail uses (small, medium, and large scale)

**Permitted Locations:** The proposed use is permitted in the following zoning districts: I2 (Industrial: General) and I3 (Industrial: Heavy).

Current Property Information:	
<b>Land Use:</b>	Vacant
<b>Site Features:</b>	The site includes a vacant, former industrial building that is currently being renovated; a multi-tenant commercial building; and a parking area.
<b>Flood Hazards:</b>	No flood hazards are present on the property.
<b>Vehicle Access:</b>	The property is accessed from Central Avenue (Principle Arterial, Residential, Urban); Cottage Avenue (Local, Industrial, Urban); and 14 <sup>th</sup> Street (Local, Residential, Urban).

Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
<b>North:</b>	I2 (Industrial: General)	Single-family residential
<b>South:</b>	RE (Residential: Established)	Single-family residential
<b>East:</b>	I2 (Industrial: General) CC (Commercial: Community Center) RS4 (Residential: Single-Family 4)	Office, Warehouse Retail, Auto Repair Single-family residential
<b>West:</b>	I2 (Industrial: General)	Contractor's Office / Workshop

<b>Interdepartmental Review:</b>	
<b>City Engineering:</b>	City Engineering has no issues with this request.
<b>Fire Department:</b>	The Columbus Fire Department does not have any issues with this request.
<b>Technical Code Enforcement:</b>	No comments received.

### **Comprehensive Plan Consideration(s):**

The Future Land Use Map indicates the future use of this property as residential.

The following Comprehensive Plan goal(s) and/or policy(ies) apply to this application:

1. **GOAL A-4:** Promote wise and efficient use of limited resources and nonrenewable resources, including but not limited to capital and land.
2. **POLICY A-4-6:** Encourage wise use of infrastructure dollars.
3. **POLICY A-4-7:** Require new development to take place in an orderly fashion to facilitate efficient provision of services at reasonable cost.
4. **POLICY J-2-3:** Encourage industrial development to be integrated with its surroundings, providing smooth transitions between differing land uses.
5. **POLICY J-3-1:** Limit the growth of industrial activity to the areas most suited for this use, minimizing the impact of this type of development on existing agricultural businesses.
6. **POLICY J-3-2:** Promote infill development in existing industrial areas.

This property is located in the Columbus Central Neighborhoods character area. The following Planning Principle(s) apply to this application:

1. Infill development that complements existing neighborhoods should be encouraged.
2. The city should develop a strategy for encouraging reuse or replacement of empty buildings.
3. Expansion of existing industries should be permitted, provided that appropriate safeguards are provided to preclude odors and other pollutants that are detrimental to the area.

The Central Avenue Corridor Plan, an element of the City of Columbus Comprehensive Plan, identifies this site as an area for mixed use redevelopment. The plan indicates that this area may include a combination of professional office, retail, commercial services, and industrial uses, as well as single-family attached and multi-family units. The plan continues that the area should be urban in character but include the opportunity for open space and recreation.

### **Planning Consideration(s):**

The following general site considerations, planning concepts, and other facts should be considered in the review of this application:

1. The applicant is proposing to locate his food and beverage production facility, M & D Marketing, to the subject property. M & D Marketing specializes in the production of barbecue sauces, hot sauces, mustards, and rib rubs, and it sells its products wholesale to distributors who, in turn, sell the products to retailers.
2. The subject property consists of a multi-tenant commercial building and a former industrial building. The eastern half of the former industrial building is currently being renovated for multiple new commercial users, while the western half is currently occupied by several office and storage uses. The applicant is proposing to occupy a 3,200 square foot tenant space on the western side of the renovated structure. This tenant space will have frontage along Cottage Avenue.
3. The renovated industrial structure was formerly the 81,000 square foot Cummins Engine Fuel System Plant, a manufacturing facility. It was constructed in 1942, and the tenant space proposed by the applicant is the former boiler room.

4. The subject property is centrally located within an area bound by 17<sup>th</sup> Street, Greenbelt Golf Course, 14<sup>th</sup> Street, and Michigan Street. This area consists primarily of commercial and industrial zoning districts and land uses. It is notable that a number of properties in the northern portion of this area are zoned industrial but are currently used as single- or multi-family residential. Nonetheless, several industrial uses are present in the area. The industrial uses closest to the proposed tenant space include Indiana Research Institute, a research and development facility; Repp and Mundt General Contractors, a contractor's office and workshop; and AAA Striping, also a contractor's office and workshop.
5. According to the applicant, the equipment used to produce the spices and sauces does not produce a loud noise or odor. The applicant also verified that the operation of the facility will take place entirely indoors.
6. According to Zoning Ordinance Section 7.1 (Table 7.2), industrial uses must provide a minimum of 1 on-site parking space for every employee. M & D Marketing employs 4 individuals, requiring 4 parking spaces. After the renovation currently underway, the site will have approximately 200 parking spaces, which is sufficient, per the standards of the Zoning Ordinance, to serve the proposed use as well as the existing uses on site.
7. The proposed business will operate on a traditional business schedule: Monday through Friday, 8:00am – 5:00pm.
8. In reference to traffic, the applicant has indicated that the proposed facility will receive a delivery of production materials once every other week. These materials will arrive on a semi-trailer. Also, employees will take finished products from the facility for regional delivery once each week and for local delivery two times each week. The facility will not have a retail component so customer traffic is not expected.
9. If the Board of Zoning Appeals approves this use variance, the applicant's next step will be to submit a Zoning Compliance Certificate Application to the Planning Department for review of the change of use and any proposed signage.

### **Provisional Findings of Fact / Decision Criteria**

The Board may approve a variance of use from the provisions of the zoning ordinance upon finding that each of the following is true.

**1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community:**

*Provisional Findings:* Adequate parking is available on-site to accommodate the proposed food and beverage facility; therefore, the approval of this request will not result in an overflow of parking into the public right-of-way. Also, the traffic volume associated with the proposed use is minimal. The food and beverage production will take place indoors and will not result in odor or loud noises. Hence, the facility will not be injurious to the general welfare of the community. *This criterion has been met.*

**2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:**

*Provisional Findings:* Allowing the food and beverage facility will not affect the ability of adjacent property owners to continue using their properties as they currently do. Traffic associated with the proposed use is very limited. Deliveries to and from the facility will occur only two or three times per week and no customer traffic is expected. Therefore, neighboring properties are unlikely to experience disruptions in current traffic flow. Furthermore, the production facility will take place entirely indoors, and the equipment used during production does not result in loud noise or odor. Finally, the area surrounding the subject property has a strong industrial presence. The proposed use is compatible with the context of the neighborhood. *This criterion has been met.*

**3. The need for the variance arises from some condition peculiar to the property involved:**

*Provisional Findings:* The proposed tenant space is located in the former Cummins Engine Fuel Systems manufacturing facility, which was constructed in 1942. The eastern half of the structure is currently being renovated to accommodate individual commercial users but the western half of the structure will remain as-is. The need for the variance arises from the presence of the decades old manufacturing facility and the difficulty presented with reusing the space previously used as the boiler room, located on the west side of the structure. The formed concrete walls of the 3,200 square foot former boiler room are less conducive to commercial uses than they are to industrial uses. *This criterion has been met.*

**4. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought:**

*Provisional Findings:* The proposed tenant space only has frontage along Cottage Avenue, a local, industrial, urban street. Traffic volumes on Cottage Avenue are low; therefore, the tenant space has limited visibility to high traffic areas. Commercial uses typically strive for high visibility areas so this space would likely be inadequate for most commercial users. Furthermore, renovating an 81,000 square foot former manufacturing facility entirely for commercial uses presents challenges, particularly for spaces that were designed for industry. *This criterion has been met.*

**5. The approval does not interfere substantially with the comprehensive plan:**

*Provisional Findings:* The comprehensive plan encourages infill development in existing industrial areas, as well as the use of existing infrastructure to support new uses. Although the Future Land Use Map identifies this area as residential, the existing industrial zoning and land uses immediately west of the subject property makes the proposed use consistent with the comprehensive plan and the context of the area. *This criterion has been met.*

**Board of Zoning Appeals Options:**

In reviewing a request for a use variance the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum or lack of a positive vote on a motion results in an automatic continuance to the next regularly scheduled meeting.